

### **REMARKS**

The Official Action dated February 26, 2008 has been carefully considered. Accordingly, the present Amendment is believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, claims 31, 36, 37, 51, 79 and 80 are amended to clearly indicate that a lens is not a required element of the claimed devices. Claim 51 is also amended to clarify recitation of the securement structure and corresponding structures in accordance with the teachings in the specification at, for example, page 18, lines 1-16. Claim 85 is added to recite a more specific embodiment of these structures, also described at page 18. Claim 63 is amended to recite the device and receptacle as a combination, and claims 64-73 are amended to correspond with claim 63 as amended. Claims 81-84 are also added and are directed to combinations of the device of claim 31 or 51 and a lens. It is believed that these changes do not involve any introduction of new matter, and, accordingly, entry is believed to be in order and is respectfully requested.

In the Official Action, the Examiner objected to the drawings on the basis that they fail to show the seat securement structures recited in claims 46 and 51. Claim 46 has been cancelled, therefore rendering the objection moot with respect to claim 46. This objection is traversed with respect to claim 51. Claim 51 recites a seat securement structure cooperating with corresponding structures on or at the guiding surfaces or a support for the guiding surfaces; a specific embodiment of the seat securement structure comprises guide fins 422 and a specific embodiment of the corresponding structures is the separations between guiding surfaces 452 and half-tube ends 457, as shown in Figs. 4A and 4B. Accordingly, the features of claim 51 are

sufficiently shown in the drawings, and it is believed the objections to the drawings have been overcome. Reconsideration is respectfully requested.

Claims 31, 32, 34-37, 39, 40, 44-46, 51, 52, 57-59, 62-64, 67-73 and 77-80 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. With respect to claims 31 and 51, the Examiner asserted that the guiding surfaces are claimed as having a curvature less than that of the haptic lens but since the intraocular lens is not part of the claimed invention, this limitation is not definite as the degree of curvature would change depending on the particular lens and haptic. In claims 37, 77 and 78, the Examiner questioned if the lens is being positively recited. In claim 51, the Examiner questioned if the “corresponding structures” are being positively recited.

This rejection is traversed. The phrase “the guiding surfaces having less curvature than the legs in an un-stressed state” has been deleted from claims 31 and 51 and these claims, along with claims 36, 37, 79 and 80, clarify that a lens is not a required element of the claimed devices. Claim 51 also positively recites the corresponding structures on or at the guiding surfaces or a support for the guiding surfaces. It is therefore submitted that the present claims are definite in accordance with the requirements of 35 U.S.C. §112, second paragraph, whereby the rejection has been overcome. Reconsideration is respectfully requested.

Claim 59 was objected to as depending from cancelled claim 56. Claim 59 now depends from combination claim 81.

Finally, claim 51 was rejected under 35 U.S.C. §102(b) as being anticipated by the newly-cited Tunis U.S. Patent No. 5,556,400. The Examiner asserted that Tunis discloses in Figs. 6 and 11 haptic guiding surfaces 134, a separate seat (forceps 162, 164) and a lens guiding arrangement

124 which, if a lens were placed in the device and rotated as it were pushed down into the fixture, the haptics would be caused to straighten.

This rejection is traversed, and reconsideration is respectfully requested. Applicants submit that Tunis fails to teach a device as recited in claim 51. That is, the device of claim 51 comprises i) at least two haptic guiding surfaces respectively arranged for two haptic legs, ii) a seat for a lens arranged with respect to the guiding surfaces so as to allow, when a lens is positioned in the seat, contact between a first point on each leg and its corresponding guiding surface, and iii) a lens guiding arrangement operable to allow a lens positioned in the seat to be moved along a path in the optic axis direction to bring at least a second point on each leg into contact with, or closer to, its corresponding guiding surface, to orient each leg to a less curved state. Further, the seat is a part separate from the guiding surfaces and includes a securement structure, wherein the device includes corresponding structures on or at the guiding surfaces or a support for the guiding surfaces, and wherein the securement structure and the corresponding structures are operable to cooperate to secure the lens in an orientation.

Tunis discloses a method and apparatus for preparing and inserting a flexible intraocular lens through an incision in ocular tissue, by multiple non-random folding of the intraocular lens. Thus, the objective of Tunis (folding of the lens, including the haptics as shown in Fig. 11) is opposite to that of the presently-claimed device for stretching the haptics of a deformable intraocular lens. Moreover, while the present device employs a lens guiding arrangement operable to allow a lens positioned in the seat to be moved along a path in the optic axis direction to bring at least a second point on each leg into contact with, or closer to, its corresponding guiding surface, to orient each leg to a less curved state, the Examiner's interpretation of Tunis is

dependent on rotating movement, i.e., the Examiner asserted that if a lens were placed in the device and rotated as it were pushed down into the fixture, the haptics would be caused to straighten. Further, Applicants find no teaching by Tunis of a securement structure and corresponding structures operable to cooperate to secure a lens in an orientation as required by claim 51. Clearly, the forceps 162, 164, asserted by the Examiner to be a seat, do not include this feature.

Anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q. 2d 1949, 1950 (Fed. Cir. 1999). In view of the failure of Tunis to teach a device for stretching the haptics of a deformable intraocular lens, particularly such a device including a lens guiding arrangement operable to allow a lens positioned in the seat to be moved along a path in the optic axis direction to bring at least a second point on each leg into contact with, or closer to, its corresponding guiding surface, to orient each leg to a less curved state, or including a securement structure and corresponding structures, Tunis does not disclose each and every element of claim 51. Therefore, Tunis does not anticipate the device of claim 51. Accordingly, the rejection under 35 U.S.C. §102 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to Official Action and places the present application in condition for allowance. In the event there are any outstanding issues relating to this application, the Examiner is urged to telephone the undersigned to efficiently resolve the same. Reconsideration and an early allowance are requested.

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Please charge any fees required in connection with the present communication, or credit any overpayment, to Deposit Account No. 503915.

Respectfully submitted,

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